

REMARKS

Claims 1-72 are pending in the subject application.

Applicant has amended claims 60 and 61 so that these claims now depend from claim 59. In addition, Applicant has made minor changes to the specification and drawings to correct the numbering of certain reference numerals. These changes do not introduce any new matter.

In response to the objection to the drawings, Applicant has amended the specification and drawings to address the numbering issues raised by the Examiner. The changes made to the drawings are described in detail in the "Amendments to the Drawings" section of this paper. In light of the changes made herein, Applicant submits that the drawings now comply with 37 C.F.R. § 1.84(p)(5) and requests that the objection to the drawings thereunder be withdrawn.

Applicant respectfully requests reconsideration of the rejection of claims 60 and 61 under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant has corrected the antecedent basis problems cited by the Examiner by amending claims 60 and 61 so that these claims now depend from claim 59 (instead of claim 49). Applicant respectfully submits that claims 60 and 61 now satisfy the definiteness requirement of 35 U.S.C. § 112, second paragraph, and requests that the rejection of these claims thereunder be withdrawn.

Applicant respectfully requests reconsideration of the rejection of claims 1-4, 7, 8, 10, 11, 19, 23, 27-30, 32-35, 39, 42, 44-46, 48, 71, and 72 under 35 U.S.C. § 103(a) as being unpatentable over *Ito* (U.S. Patent No. 6,108,443) in view of *Inoue et al.* (U.S. Patent No. US 6,650,772 B1), and further in view of *Nabeshima et al.* (U.S. Patent No. US 6,891,639 B1). As will be explained below, the combination of *Ito* in view of *Inoue et al.* and *Nabeshima et al.* does not raise a *prima facie* case of obviousness against the claimed subject matter.

The *Ito* reference discloses a standard color space and a specific color space having a wider gamut than the standard color space. Further, the *Ito* reference discloses a technique for using an offset value and retaining the information that is out of the range of the standard color space. This technique is useful when an image is converted from the specific color space to the standard color space.

As recognized by the Examiner, nothing in the *Ito* reference discloses or suggests deciding whether to use the out of gamut information based on the use information, and if the out of gamut information is used, performing color conversion of the out of gamut information to a wide gamut color space. To make up for the deficiencies of the *Ito* reference relative to the claimed subject matter, the Examiner relies on the teachings of the *Inoue et al.* and *Nabeshima et al.* references.

The *Inoue et al.* reference discloses preparing a histogram for each division color area and using an area determination section 12 to determine whether or not a representative point in each division color area is within the color reproduction range based on the histogram. The *Inoue et al.* reference does not cure the deficiencies of the *Ito* reference relative to the claimed subject matter because the *Inoue et al.* reference provides no disclosure regarding the utilization of use information associated with target image data. Further, the *Inoue et al.* reference makes no mention of using the determination by the area determination section to change the converted color space. The technique of *Inoue et al.* is intended to perform color conversion (compression) where the original color gradation is maintained, and *Inoue et al.* always uses the information out of the color reproduction range. As such, the *Inoue et al.* reference neither discloses nor suggests performing color space conversion from a predetermined color space to a wider color space, and performing color conversion while retaining the information outside the gamut of the predetermined color space.

The *Nabeshima et al.* reference discloses that if input image data is out of a reference range, then the target color reproduction range is calibrated so as to be closer to the reference range. The *Nabeshima et al.* reference does not cure the deficiencies of the *Ito* and *Inoue et al.* references relative to the claimed subject matter because the *Nabeshima et al.* reference does not disclose or suggest performing color space conversion from a predetermined color space to a wider color space, and performing color conversion while retaining information outside the gamut of the predetermined color space.

As explained above, the *Inoue et al.* reference and the *Nabeshima et al.* reference do not cure the deficiencies of the *Ito* reference relative to the claimed subject matter. Both the *Inoue et al.* reference and also the *Nabeshima et al.* reference disclose a technique for compressing information outside the color gamut to fit within the color gamut; however, neither reference discloses or suggests a technique for converting the color space of target image data to a reproducible color space while retaining out of gamut information as it exists. The compression technique shown in the references inevitably deteriorates the resulting image quality. In contrast, the claimed subject matter carries out color conversion from one color space to a wider color space so as to avoid such image deterioration.

For at least the foregoing reasons, the combination of *Ito* in view of *Inoue et al.* and *Nabeshima et al.* would not have suggested to one having ordinary skill in the art all of the features of the claimed subject matter. As such, combination of *Ito* in view of *Inoue et al.* and *Nabeshima et al.* does not raise a *prima facie* case of obviousness against the claimed subject matter.

Accordingly, claims 1-4, 7, 8, 10, 11, 19, 23, 27-30, 32-35, 39, 42, 44-46, 48, 71, and 72 are patentable under 35 U.S.C. § 103(a) over the combination of *Ito* in view of *Inoue et al.* and *Nabeshima et al.*

Applicant respectfully requests reconsideration of the rejection of claims 5, 6, 9, 12, 24, 25, 31, 40, 41, 43, and 47 under 35 U.S.C. § 103(a) as being unpatentable over *Ito* in view of *Inoue et al.* and *Nabeshima et al.* as applied against claim 1, and further in view of *Yamakawa* (U.S. Patent No. 5,862,434). Each of claims 5, 6, 9, 12, 24, 25, 31, 40, 41, 43, and 47 ultimately depends from one of the independent claims that stands rejected for obviousness based on the combination of *Ito* in view of *Inoue et al.* and *Nabeshima et al.* The *Yamakawa* reference does not cure the above-discussed deficiencies of the combination of *Ito* in view of *Inoue et al.* and *Nabeshima et al.* relative to the claimed subject matter. Further, the Examiner refers to the *Yamakawa* reference as disclosing an image processing unit that uses gamma correction; however, the *Yamakawa* reference discloses only the distinguishing of whether an input image signal is a character image or a picture image and the changing of the gamma curve depending upon whether the input image is a character image or a picture image. In contrast, the claimed subject matter changes a gamma correction value depending upon whether the out of gamut color value is a positive value or a negative value, to improve the color conversion accuracy. The *Yamakawa* reference does not disclose this concept, and the simple switching-over of a gamma curve shown in the *Yamakawa* reference would not have suggested the claimed subject matter to one having ordinary skill in the art.

Accordingly, for at least the foregoing reasons, claims 5, 6, 9, 12, 24, 25, 31, 40, 41, 43, and 47 are patentable under 35 U.S.C. § 103(a) as being unpatentable over the combination of *Ito* in view of *Inoue et al.* and *Nabeshima et al.* as applied against claim 1, and further in view of *Yamakawa*.

Applicant respectfully requests reconsideration of the rejection of claims 13-16, 49, 50, 54, 57, and 59-64 under 35 U.S.C. § 103(a) as being unpatentable over *Ito* in view of *Inoue et al.* and *Nabeshima et al.* as applied against claim 1, and further in view of *Parulski*

et al. (U.S. Patent No. US 6,812,961 B1). Independent claim 13 defines a device for generating an image file that contains image data and image processing control information for subsequent image processing of the image data. In contrast, the combination of references applied against claim 1 is directed toward an image processing apparatus. These references do not disclose or suggest either the generation of image processing control information or an image file that contains the image processing control information. As such, even if the combination of references applied against claim 1 were to be modified in accordance with *Parulski et al.* in the manner proposed by the Examiner, the result would not be a device for generating an image file that generates an image file that contains image data and image processing control information. Thus, for at least this reason, the combination of prior art applied against claim 1 in view of *Parulski et al.* does not raise a *prima facie* case of obviousness against the subject matter defined in claim 13.

The arguments made above with regard to independent claim 13 apply equally to independent claim 49. Thus, for at least the same reason set forth above regarding claim 13, the combination of prior art applied against claim 1 in view of *Parulski et al.* does not raise a *prima facie* case of obviousness against the subject matter defined in claim 49.

Accordingly, independent claims 13 and 49 are patentable under 35 U.S.C. § 103(a) over *Ito* in view of *Inoue et al.* and *Nabeshima et al.* as applied against claim 1, and further in view of *Parulski et al.* Claims 14-16, each of which depends from claim 13, and claims 50, 54, 57, and 59-64, each of which ultimately depends from claim 49, are likewise patentable under 35 U.S.C. § 103(a) over *Ito* in view of *Inoue et al.* and *Nabeshima et al.* as applied against claim 1, and further in view of *Parulski et al.* for at least the same reason set forth above regarding the applicable independent claim.

Applicant respectfully requests reconsideration of the rejection of claims 17, 18, 55, 56, 58, and 65-70 under 35 U.S.C. § 103(a) as being unpatentable over the combination of

Ito, Inoue et al., *Nabeshima et al.*, *Parulski et al.*, and *Yamakawa*. Both independent claim 17 and also independent claim 65 specify the gamma correction feature discussed above in connection with the obviousness rejection of claim 5. Dependent claims 55, 56, and 58 depend from claims that specify this gamma correction feature. Thus, for at least the same reasons set forth above with respect to claim 5, claims 17, 18, 55, 56, 58, and 65-70 are patentable over the asserted combination of references.

Applicant respectfully requests reconsideration of the rejection of claims 20-22 and 36-38 under 35 U.S.C. § 103(a) as being unpatentable over the combination of *Ito, Inoue et al.*, and *Nabeshima et al.* as applied against claim 1, and further in view of *Roberts* (U.S. Patent No. US 6,758,574 B1). Each of claims 20-22 depends from independent claim 19 and each of claims 36-38 ultimately depends from independent claim 33. The *Roberts* reference does not cure the above-discussed deficiencies of the combination of references applied against claim 1 relative to the subject matter defined in independent claims 19 and 33. Accordingly, claims 20-22 and 36-38 are patentable under 35 U.S.C. § 103(a) over the combination of *Ito, Inoue et al.*, *Nabeshima et al.*, and *Roberts* for at least the same reasons set forth above regarding independent claims 19 and 33.

Applicant respectfully requests reconsideration of the rejection of claims 51-53 under 35 U.S.C. § 103(a) as being unpatentable over the combination of *Ito, Inoue et al.*, *Nabeshima et al.*, *Parulski et al.*, and *Roberts*. Each of claims 51-53 ultimately depends from independent claim 49. The *Roberts* reference does not cure the above-discussed deficiencies of the combination of *Ito, Inoue et al.*, *Nabeshima et al.*, and *Parulski et al.* relative to the subject matter defined in claim 49. Accordingly, for at least this reason, claims 51-53 are patentable under 35 U.S.C. § 103(a) over the combination of *Ito, Inoue et al.*, *Nabeshima et al.*, *Parulski et al.*, and *Roberts*.

Applicant respectfully requests reconsideration of the rejection of claim 26 under 35 U.S.C. § 103(a) as being unpatentable over the combination of *Ito*, *Inoue et al.*, *Nabeshima et al.*, *Yamakawa*, and *Roberts*. Claim 26 ultimately depends from independent claim 19. The *Yamakawa* and *Roberts* references do not cure the above-discussed deficiencies of the combination of *Ito*, *Inoue et al.*, and *Nabeshima et al.* relative to the subject matter defined in claim 19. Accordingly, for at least this reason, claim 26 is patentable under 35 U.S.C. § 103(a) over the combination of *Ito*, *Inoue et al.*, *Nabeshima et al.*, *Yamakawa*, and *Roberts*.

In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of claims 1-72, as amended herein, and submits that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 749-6902. If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. MIPFP004).

Respectfully submitted,
MARTINE PENILLA & GENCARELLA, LLP



Peter B. Martine
Registration No. 32,043

710 Lakeway Drive, Suite 200
Sunnyvale, California 94085
Telephone: (408) 749-6900
Customer No. 25920

Amendments to the Drawings:

Applicant has amended Figure 1 to add reference numeral 10. Applicant has amended Figure 3 to change reference numeral 113 to 103. Applicant has amended Figure 11 to change reference numerals S300, S310, S330, and S340 to S200, S210, S240, and S250, respectively. Applicant has amended Figure 12 to change reference numerals S400 and S450 to S200 and S250, respectively. The attached four (4) sheets of replacement drawings replace the original sheets of drawings having Figures 1, 2, 3, 11, and 12 thereon (Figures 2 and 3 are on the same sheet).

Attachments: Four (4) sheets of replacement drawings with Figures 1, 2, 3, 11, and 12 thereon (Figures 2 and 3 are on the same sheet).